The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

March 8, 2006

CERTIFIED MAIL
7000 1670 0001 2907 8835
RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 06-005

Collins & Aikman Tooling & Equipment Group
16 Industrial Park Drive
Dover, NH 03820-4332

Attn: Dennis McCafferty, Plant Manager

Re: Collins & Aikman Tooling & Equipment Group
Dover, New Hampshire
EPA ID No. NHD000650101

Dear Mr. McCafferty:

On January 12, 2006, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Collins & Aikman Tooling & Equipment Group ("Collins") in Dover, New Hampshire. The purpose of the inspection was to determine Collins' compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in Collins' hazardous waste management program were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal waste determinations had been conducted on the waste spray paint booth filters ("Filters"), the assorted waste products in the RTV Room ("RTV Waste"), the grinding booth filters ("Grinding Filters"), and the silver-coated epoxy waste ("Epoxy Waste"). At the time of the inspection, Collins informed DES that the Epoxy Waste is disposed of as a solid waste and the Grinding Filters and the Spraybooth Filters have not been changed.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Rules.

(a) Waste Spray Paint Booth Filters: DES requests that Collins determine whether the Filters are a hazardous waste by either applying knowledge of the hazardous properties of the Filters and/or by testing a representative sample of the Filters.

The analyses should include, at a minimum, testing to detect the characteristic of toxicity, by using the Toxicity Characteristic Leaching Procedure (TCLP) for organics and RCRA metals as described in Env-Wm 403.06.

Collins will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses.

(b) Assorted Waste Products in the RTV Room: DES requests that Collins determine whether the RTV Waste is a hazardous waste by either applying knowledge of the hazardous properties of the RTV Waste and/or by testing a representative samples of the RTV Waste.

Collins will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses.

(c) Grinding Booth Filters: DES requests that Collins determine whether the Grinding Filters are a hazardous waste by either applying knowledge of the hazardous properties of the Grinding Filters and/or by testing a representative sample of the Grinding Filters.

Collins will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses.

(d) Silver-coated Epoxy Waste: DES requests that Collins determine whether the Epoxy Waste is a hazardous waste by testing a representative samples of the Epoxy Waste. The analyses should include, at a minimum, testing to detect the characteristic of toxicity, by using the Toxicity Characteristic Leaching Procedure (TCLP) for silver as described in Env-Wm 403.06.

Collins will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and the chemical analyses.

DES requests that Collins provide the following information regarding the Epoxy Waste if it is determined that the Epoxy Waste is a hazardous waste:

(i) A written estimate of how long (*i.e.*, years and months) Collins has been disposing of the Epoxy Waste as a solid waste;

(ii) A written estimate of the quantity of Epoxy Waste disposed of during the time period reported in response to question (i);

(iii) The names of each destination facility which has received Epoxy Waste, as well as the relative quantities disposed of at each facility; and

(iv) An economic benefit analysis. In this case the economic derived by Collins would be the cost of disposal had the Epoxy Waste been properly characterized as hazardous. Please provide the actual costs incurred by Collins for the management of the Epoxy Waste as a solid waste versus managing the Epoxy Waste as a hazardous waste. Please include the cost per pound for the disposal of the Epoxy Waste.

2. Env-Wm 509.02(a)(2) – Personnel Training

A review of Collins' personnel training program revealed the following deficiencies:

(a) Tony Raucci, the Collins employee responsible for cleaning the evaporator, had not received annual training in 2003.

(b) Ray Matthews, Jr., the alternate hazardous waste coordinator, had not received annual training in 2001.

(c) The training records also failed to document a training program which includes a list of hazardous waste job titles, job descriptions, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training. 40 CFR 265.16(b) also requires facility personnel to complete the program of training within six months of employment or assignment to a new position.

DES requests that Collins conduct and document hazardous waste training and annual reviews for all employees who have hazardous waste responsibilities and ensure that training is completed within six months of employment or assignment to a new position.

DES also requests that Collins maintain a written personnel training program which provides a description of the type and amount of introductory and continuing training that is given to persons filling each hazardous waste related position, and documentation of hazardous waste job titles, job descriptions, and names of employees filling each position. Lastly, DES requests that Collins submit a copy of the personnel training program to DES.

3. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Collins' contingency plan revealed the following deficiencies:

(a) The primary coordinator listed is no longer employed with Collins;

(b) The plan listed an incorrect telephone number for notifying DES of a release;

(c) A description of primary and alternate evacuation routes; and

(d) Documentation that copies of the plan had been submitted to the local authorities (police, fire, hospitals, contractors, and state and local emergency response teams) was not available.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Collins revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module and submit a copy of the plan to the local authorities.

On January 20, 2006, Richard Reilly, Collins' Hazardous Waste Coordinator, provided an updated copy of the Collins contingency plan, as well as documentation to confirm that the contingency plan had been provided to the local hospital, police, and fire departments. No further action is required.

4. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the main hazardous waste storage area failed to document the telephone number to report a release to DES, as well as the location of fire extinguishers, spill control material, and alarms.

Env-Wm 509.02(b) requires that full quantity generators post a list of the steps to take if an emergency occurs and the following emergency numbers and information at the nearest telephone to the hazardous waste storage area:

(a) The emergency coordinators (home and office);

(b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and

(c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that Collins post the required information at the nearest telephone to each hazardous waste storage area.

In the email received on January 19, 2006 from Collins, Richard Reilly stated that the emergency posting had been updated and posted. No further action is required.

5. Env-Wm 509.03 – Satellite Storage

At the time of the inspection, Collins was handling one (1) 55-gallon container of hazardous waste "waste solids containing flammable liquid (MEK and Isopropyl Alcohol, F005)" located in the Epoxy Shop as a satellite storage container. According to Richard Reilly, 5-gallon containers of the same waste stream generated in different areas of the Facility are emptied into the 55-gallon container. The location of this container did not meet the definition of "at or near the point of generation" and was not "under the control of the operator." See the attached container inventory ("Inventory").

Also, Collins placed hazardous waste solvents generated in the spray booth near the plating set-up area into a satellite storage container located next to the silver spray booth. The location of this container did not meet the definition of "at or near the point of generation" and was not "under the control of the operator." See the attached Inventory.

Env-Wm 509.03 requires that all satellite storage containers be located at or near any point of generation where the wastes initially accumulate and be under the control of the operator of the process generating the waste.

DES requested that Collins manage the container of hazardous waste "waste solids containing flammable liquid (MEK and Isopropyl Alcohol)" located in the Epoxy Shop according to the requirements of Env-Wm 509.02 (*i.e.,* full storage area regulations). Alternatively, Collins was given the option of managing the container at the point of generation according to the requirements of Env-Wm 509.03.

DES requested that Collins manage solvent wastes generated in the spray booth near the plating set-up area at the point of generation according to the requirements of Env-Wm 509.03.

In the email received on March 6, 2006 from Collins, Richard Reilly stated that the smaller 5-gallon red satellite containers are being replaced with 55-gallon satellite containers. There will be four separate satellite areas for the "waste solids containing flammable liquid"; one in the Epoxy Shop; one in the Model Shop; one in the RTV Room; and one in the machine shop.

6. Env-Wm 509.03(g) - Satellite Storage Container Marking

At the time of the inspection, two (2) satellite storage containers of hazardous waste solids containing flammable liquid (MEK and Isopropyl Alcohol) stored in the RTV Room and the Epoxy Shop were not marked with the words "hazardous waste" and words that identify the contents of the containers.

Env-Wm 509.03(g) requires that at the time the satellite storage container(s) is first used to store wastes, the hazardous waste container(s) is marked with the words "hazardous waste" and words that identify the contents of the container(s).

DES requests that Collins properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with the words "hazardous waste" and words that identify the contents of the container.

7. Env-Wm 807.06(b)(7) – Standards for Generators of Used Oil

At the time of the inspection, Collins had not completed a used oil determination for its used oil that was being managed as a "used oil for recycle."

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requests that Collins conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03; and provide the results of the used oil determination to DES.

8. Env-Wm 1102.03 and Env-Wm 1112.04 - Universal Waste Lamp Management

At the time of the inspection, two containers of universal waste lamps were not marked with the words "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)." See the attached Inventory.

Env-Wm 1112.04 requires universal waste handlers of lamps to ensure each universal waste lamp or container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

DES requested that Collins clearly label or mark universal waste lamps and container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

In the email received on January 19, 2006 from Collins, Richard Reilly stated that the universal waste lamp containers are now labeled. No further action is required.

9. Env-Wm 1102.03(c)(1) – Universal Waste Lamp Management

At the time of the inspection, two containers of universal waste lamps were not closed. See the attached Inventory.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested Collins to ensure that all containers of universal wastes are closed, except when universal waste is being added to or removed from the container.

In the email received on January 19, 2006 from Collins, Richard Reilly stated that the containers of universal waste have been closed. No further action is required.

DES believes the remaining portion of the cited deficiencies can be corrected and a report describing the corrective measures taken by Collins can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Collins including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Tammy Calligandes, Waste Management Specialist
DES/WMD
P.O. Box 95
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at http://www.des.state.nh.us/hwcs/, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment, and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous

waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Tammy Calligandes, or Tod Leedberg, RCRA Compliance Supervisor at 271-2942. Thank you for your cooperation.

Sincerely,

COPY

John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: DB/RCRA/LOD/Archives
Gretchen Hamel, Administrator, DES Legal Unit
Anthony P. Giunta, P.G., Director, WMD/ Paul L. Heirtzler, P.E., Esq., Administrator, WMD
Richard Reilly, Jr., Collins & Aikman, 16 Industrial Park Dr., Dover, NH 03820
ec: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report